

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, JULY 6, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, July 6, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

**2. ROLL CALL:**

|               |                  |         |
|---------------|------------------|---------|
| Mayor         | John Masiarczyk  | Present |
| Vice Mayor    | Nancy Schleicher | Present |
| Commissioner  | Heidi Herzberg   | Present |
| Commissioner  | Mitch Honaker    | Present |
| Commissioner  | Chris Nabicht    | Present |
| Commissioner  | Diane Smith      | Present |
| Commissioner  | Brian Soukup     | Present |
| City Manager  | Jane K. Shang    | Present |
| City Attorney | Becky Vose       | Present |
| City Clerk    | Joyce Raftery    | Present |

Also present: Deputy City Manager Dale Baker; Parks and Recreation Director Steve Moore and VCSO Captain Eagan.

**3. INVOCATION AND PLEDGE TO THE FLAG:**

**A. Invocation Presented by Commissioner Soukup – Juan Sali, Family/Youth Pastor, Deltona Alliance Church.**

Commissioner Soukup introduced Juan Sali, Family/Youth Pastor, Deltona Alliance Church.

The National Anthem was sung by Ashley Leahy a sophomore at DeLand High.

**4. APPROVAL OF MINUTES & AGENDA:**

**A. Minutes:**

**1. Approval of Minutes – Regular City Commission Meeting of June 15, 2015.**

**Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to approve the minutes of the Regular City Commission Meeting of June 15, 2015, as presented.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. Mayor John C. Masiarczyk, Sr. – Presentation – Commissioner Heidi Herzberg Honored with 2015 Home Rule Hero Award.**

Mayor Masiarczyk and the Commission honored Commissioner Herzberg for being awarded the 2015 Home Rule Hero Award by the Florida League of Cities for her efforts to advance the League's legislative agenda and helping protect the home rule powers of Florida's cities during the 2015 session.

Commissioner Herzberg thanked the Mayor for the acknowledgement and she stated she could not do what she does without the support of the Commission, staff is always more than willing to research and provide clarification and above all she thanked the residents of Deltona and Volusia County where she has met some great people who are what makes her work and keep going and who deserve the best for the City and to not have unfunded mandates.

**6. CITY COMMISSION SPECIAL REPORTS:**

Mayor Masiarczyk thanked Commissioner Nabicht for attending the God and Country Event at the Volusia County Baptist Church on Sunday.

**7. PUBLIC FORUM – Citizen comments for item not on the agenda.**

a) Gianna Green and Debra Suitt-Green, 1531 Toluca Court, Deltona thanked the Commission for looking out for her wellbeing and she spoke about the validity of first responders, what they stand for, how important they are and that everything the first responders receive is deserved.

b) Joe Sullivan, Boys and Girls Club Flagler/Volusia, 1780 Concert Road, Deltona introduced the new Deltona Unit Director Celia Luz O'Neil, he welcomed the new City Manager, that in a few weeks he will be appealing for the Community Development Block Grant (CDBG) Funding and the organization losing money at the State level.

c) Celia Luz O'Neil, 2472 Duval Avenue, Deltona stated she is a 12 year resident, she taught at Volusia County Schools as a substitute teacher and has worked at local daycares, she has delivered the junior achievement program to the local schools, she hopes to be a mentor to the kids and she would like to do something that the kids could get more involved in the community and if the Commission had any suggestions to contact Mr. Sullivan.

c) Michael Williams, 2889 Cottageville Drive, Deltona stated there is an associate pastor Estelle Singleton-Fenderson who needs a double lung transplant and he is working to raise money for her to get on the donor list and he pleaded to everyone to participate in the upcoming 5K Walk fundraiser on August 8<sup>th</sup> at New Hope Baptist Church at 7:00 a.m. He stated the church has taken an aggressive posture and he encouraged everyone to bring forward any ideas they may have to help raise money for Ms. Singleton-Fenderson.

d) Nettie Edwards, 3137 Verbena Drive, Deltona stated she is on the fundraising committee for Estelle Singleton-Fenderson, she is working with the National Foundation for Transplants (NFT) and that donations can be done online at [www.transplants.org](http://www.transplants.org).

e) Anthony Williams, 1490 West Parkway, Deltona stated on July 11<sup>th</sup> at 6:00 p.m. he is calling for all the clergy men and women of west Volusia County and their congregations to meet at Greater

Bethlehem Baptist Church, 333 South Clara Avenue, DeLand for a prayer vigil to unite together to pray for peace and solidarity.

**8. CONSENT AGENDA:**

**Motion by Vice Mayor Schleicher, seconded by Commissioner Nabicht to approve Consent Agenda Items 8-A through 8-D.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

**\*A. Request for approval of an easement document for Wes Crile Park sports field lighting as required by Duke Energy, Florida, Inc. – Steve Moore, Parks and Recreation Department (386) 878-8902.**

**Approved by Consent Agenda - to approve the easement document for Wes Crile Park as required by Duke Energy, Florida, Inc.**

**\*B. Request for approval of Eastern Waste Water Treatment Plant, Facility Power Service – Gerald Chancellor, Public Works Department (386) 878-8998.**

**Approved by Consent Agenda - to approve granting a power easement to Florida Power and Light Company for the provision of electrical services to the Eastern Waste Water Treatment Plant.**

**\*C. Request for approval of Resolution No. 2015-26, Initial Assessment Resolution for the creation of the Oasis Avenue Street Lighting District – Gerald Chancellor, Public Works Department (386) 878-8998.**

**Approved by Consent Agenda - to adopt Resolution No. 2015-26, creating the Oasis Avenue Street Lighting District, and to schedule the Public Hearing.**

**\*D. Request for approval of an Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona – Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.**

**Approved by Consent Agenda - to approve the Interlocal Agreement between the County of Volusia and the City of Deltona to transfer Graves Avenue North to the City of Deltona.**

**9. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 06-2015, Amending Section 6-1, “Hours of Sale,” of Chapter 6 “Alcoholic Beverages,” of the Code of City of Deltona; Making hours of sale consistent throughout the week, at second and final reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

**Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to adopt Ordinance**

**No. 06-2015, at second and final reading.**

City Attorney Becky Vose read the title of Ordinance No. 06-2015 for the record.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 6-1, "HOURS OF SALE", OF CHAPTER 6 "ALCOHOLIC BEVERAGES", OF THE CODE OF THE CITY OF DELTONA; MAKING HOURS OF SALE CONSISTENT THROUGHOUT THE WEEK; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

Ordinance No. 06-2015 was adopted at 6:57 p.m.

**B. Public Hearing - Ordinance No. 08-2015, creating a new Section 1-17, "Ordinance Review Committee," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Deltona, at second and final reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

Mayor Masiarczyk opened the public hearing.

Silvia Barnaby, 2242 Fairbanks Drive, Deltona asked who will be the members of the committee, how to apply for the committee, how will the committee be formed, and if the Commission will keep the public informed of the committee's progress and ongoing criteria.

Mayor Masiarczyk stated the ordinance is the first step in creating the committee, the board/committee application can be found online and the dates and times for the committee have not yet been determined.

Mayor Masiarczyk closed the public hearing.

**Motion by Commissioner Herzberg, seconded by Commissioner Honaker to adopt Ordinance No. 08-2015, at second and final reading.**

City Attorney Becky Vose read the title of Ordinance No. 08-2015 for the record.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW SECTION 1-17, "ORDINANCE REVIEW COMMITTEE" OF CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF THE CITY OF DELTONA, ESTABLISHING AN ORDINANCE REVIEW COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS AND DUTIES OF COMMITTEE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

Ordinance No. 08-2015 was adopted at 7:01 p.m.

**C. Public Hearing - Ordinance No. 12-2015, creating a new Chapter 55, "Squatters," of the Deltona Code of Ordinances, at second and final reading – Becky Vose, City Attorney (407) 448-0111 (cell).**

**Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to adopt Ordinance No. 12-2015, at second and final.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

City Attorney Becky Vose read the title of Ordinance No. 12-2015 for the record.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW CHAPTER 55, "SQUATTERS," OF THE DELTONA CODE OF ORDINANCES, MAKING FINDINGS; PROVIDING DEFINITIONS; PROHIBITING SQUATTING; REQUIRING REMOVAL OF SQUATTERS; PROVIDING PENALTIES; PROVIDING FOR CITY REMOVAL OF SQUATTERS; PROVIDING FOR NOTICE AND HEARING; PROVIDING FOR PRESUMPTION OF SQUATTING, OTHER REMEDIES, AND IMMUNIZATION; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

Ordinance No. 12-2015 was adopted at 7:03 p.m.

**10. OLD BUSINESS:** None.

**11. NEW BUSINESS:** None.

**12. CITY ATTORNEY COMMENTS:** None.

**13. CITY MANAGER COMMENTS:** None.

**A. Lobbyist Update:** None.

**14. CITY COMMISSION COMMENTS:**

a) Commissioner Herzberg thanked everyone for being so kind and helpful during her knee injury, people are awesome, that what has been done to make stores and facilities Americans with Disabilities Act (ADA) compliant is amazing because nowhere did she need assistance and she thanked the Commission, staff and the general public.

b) Commissioner Honaker stated school starts August 24<sup>th</sup> and August 7<sup>th</sup> - 16<sup>th</sup> are the Tax free holidays, he had his first Neighborhood Watch meeting in his community where Sergeant Leahy spoke and the second meeting will be July 15<sup>th</sup>, he encouraged everyone to start a Neighborhood

1 Watch Program in their neighborhood, there was a Springs Project list that came out to help reduce  
2 the amount of water that is being taken out of Blue Springs and out of the 10 projects Deltona  
3 received funding for four (4) of the projects, the crime rate is going down and he stated the Volusia  
4 County Sheriff's Office (VCSO) is doing a great job, and he requested for a future workshop topic  
5 discussion on a nuisance cat Trap Neuter Release (TNR) area.

6  
7 Commissioner Herzberg suggested that after an inventory of City property is done and identify areas  
8 with a lot of colonies and identify the colonies in each district.

9  
10 Commissioner Nabicht stated he requested as part of the budget process to have a report on how the  
11 TNR Program is working, he realizes it is a long term program and maybe it could be part of the  
12 budget discussion of City owned property as a sub-category.

13  
14 c) Vice Mayor Schleicher stated she filled in for the Mayor on several events one was the  
15 Caribbean Festival at the library and the other was with Harry Wilkins who worked hard to have the  
16 first Gay Days in Deltona, having diversity in the City and recognizing all types of people, she will  
17 meet with the archeologist for Deltona Natural Gardens and Fort Kingsbury tomorrow to discuss the  
18 historical things on the property, on Thursday she will meet with the St. Johns River Water  
19 Management District (SJRWMD) to get clearance from them and finally Volusia Forever before  
20 providing a presentation to the Commission in August.

21  
22 d) Commissioner Nabicht thanked Sergeant Leahy for the arrest in the flasher case which was  
23 mostly in his district and everyone can rest easy, he did not make it out to the July 4th celebration  
24 but, that he heard it was a great event and the only comments he received were that next year the  
25 fireworks be set to patriotic music such as the Boston Pops, in the proposed budget is a public  
26 address (PA) system which he hopes will have the entire Commission's support to not only play  
27 music at events but, to also announce things like lost parents and he thanked the families of staff for  
28 letting them be at the event.

29  
30 e) Commissioner Smith congratulated Commissioner Herzberg for a well-deserved honor, she  
31 attended the Deltona Business Alliance for the City Manager which was well received and she hoped  
32 to have more of these opportunities in the future, and she attended the Employee Luncheon about a  
33 week ago, she thanked Waste Pro for sponsoring the event and it was a great opportunity to thank  
34 the employees.

35  
36 f) Mayor Masiarczyk thanked Parks & Recreation, Public Works and VCSO for a great July 4th  
37 event and the best part of the event is all the families enjoying the event. He stated there is some  
38 interest in the 20th Anniversary, Gianna Green and Debra Suitt-Green will be putting on a fashion  
39 show and the Deltona Art Club which has been around for 30 years is displaying art on the wall at  
40 City Hall and the club will be putting on an art show depicting themes of Deltona. He stated he  
41 received a quote for the commemorative coins and as long as there is no objection he will move  
42 forward with that and there was no objection from the Commission. He stated the budget for the 10<sup>th</sup>  
43 Anniversary was \$150,000 which is not what he is asking for this year but, staff had to plug a  
44 number into the proposed budget for FY 2015/2016. He stated groups are starting to step forward  
45 interested in doing something for the 20<sup>th</sup> Anniversary but, there is going to be costs involved, not  
46 money having to be paid out but, for facility use and other things like that which will be waived if it  
47 has something to do with the 20<sup>th</sup> Anniversary. He asked what the Commission thought about a  
48 dinner dance, the event is actually December 31st but, nobody wants to do it that night so maybe it

1 could be around the first part of December and if anyone has any ideas please bring them to the City  
2 Manager. He thanked Commissioner Herzberg for creating a presence for the City with the League  
3 of Cities that it has never had before due to her diligence and for touting Deltona.

4  
5 The Commission discussed having a cake and proclamation every five (5) years for anniversary of  
6 City, not being willing to spend the dollars that are in the proposed budget for the City's 20<sup>th</sup>  
7 Anniversary, the City asking for donations and sponsorship for the 20<sup>th</sup> Anniversary, the numerous  
8 City events that go on between the months of October and December and incorporating them into the  
9 20<sup>th</sup> Anniversary, approximately 25 people attending the 20<sup>th</sup> Anniversary meeting and of that three  
10 (3) people have committed so far, Gianna Green and Debra Suitt-Green wanting to put on a first  
11 class fashion show, that there will be an art show and dinner dance, scaling down the 20<sup>th</sup>  
12 Anniversary and making the 25<sup>th</sup> and the 50<sup>th</sup> Anniversaries bigger events as they are more of a mile  
13 stone, tying in with events like the Christmas parade and the proposed amount for the 20<sup>th</sup>  
14 Anniversary was the amount spent for the 10<sup>th</sup> Anniversary, staff needed a number to insert into the  
15 proposed FY 2015/2016 budget and that was what was used.

16  
17 Mayor Masiarczyk stated he will have more information available for the Commission next month,  
18 the fashion show will cost money to do it right and to do a first class event. He stated the July 4<sup>th</sup>  
19 celebration was great, it was a smaller crowd this year but, he felt it was because all the surrounding  
20 cities were doing their own events and he mentioned that one (1) year all the cities worked together  
21 and had a joint celebration at the fairgrounds.

22  
23 **14. ADJOURNMENT:**

24  
25 There being no further business, the meeting adjourned at 7:25 p.m.

26  
27  
28 **ATTEST:**

\_\_\_\_\_  
**John Masiarczyk Sr., Mayor**

29  
30  
31  
\_\_\_\_\_  
**Joyce Raftery, CMC, City Clerk**